

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO.1:15CV1036
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
FUNDS TOTALING \$27,290.56, FIRST)	<u>ORDER</u>
MERIT BANK, CHECKING ACCT. #)	
5050037175, ET AL.,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on claimant Brandon Selvaggio's Motion to Lift Stay for Limited Purpose of Filing and Consideration of Motion to Unseal Affidavits (ECF # 50).

On May 22, 2015, the United States of America filed its Complaint with the Court seeking an Order of Forfeiture on certain Defendant accounts and personal property, including automobiles, jewelry, precious metals and real property seized by law enforcement in 2014 and 2015. According to the Government, these accounts and real property were either proceeds from, or were used or were intended to be used, to facilitate illegal drug trafficking, wire fraud and/or money laundering. On July 25, 2015, the Government filed a Motion to Stay the forfeiture action, contending that civil discovery would impede the

ongoing criminal investigation. On November 9, 2015, the Court granted the government's Motion to Stay finding "a stay is warranted as the forfeiture action is directly related to an ongoing criminal investigation and civil discovery will adversely affect the Government's ability to conduct the criminal investigation."

Claimant Selvaggio now moves to lift the stay to allow Selvaggio to file a Motion to Unseal the Affidavits submitted in support of seizure and search warrants. The Government opposes the Motion, arguing that the order to seal the affidavits was not issued by this Court. Rather, the order to seal was issued by another judge in the related criminal matter, therefore, the appropriate forum to request the unsealing of the search and seizure affidavits is with the court that ordered them sealed.

The Court agrees with the Government and holds that the Motion to Unseal must be presented to the court that ordered them sealed. Therefore, this is the improper forum to seek such relief and Claimant's Motion to Lift the Stay is denied.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: July 26, 2016